

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

LEROY COLLINS, :
Plaintiff, : **Case No. 2:05-cv-367**
v. : **Judge Holschuh**
REGINALD WILKERSON, et al., : **Magistrate Judge Kemp**
Defendants. :
:

ORDER

On April 22, 2008, Magistrate Judge Kemp issued a Report and Recommendation, recommending that Plaintiff Leroy Collins' motion for summary judgment be denied and that Defendants' motion for summary judgment be granted. (Record at 80). The parties were notified of their right to file objections to the Report and Recommendation, and advised that if they failed to do so within ten days, they would waive their right to a *de novo* review by the district judge and waive their right to appeal the judgment of the district court.

Plaintiff was served with a copy of the Report and Recommendation by certified mail, but has failed to file any objections within the time allotted. The Court therefore **ADOPTS** Magistrate Judge Kemp's Report and Recommendation (Record at 80), **DENIES** Plaintiff's motion for summary judgment (Record at 67) and **GRANTS** Defendants' motion for summary judgment (Record at 74). The Clerk is directed to enter judgment in favor of Defendants.

IT IS SO ORDERED.

Date: June 27, 2008

/s/ John D. Holschuh
John D. Holschuh, Judge
United States District Court